

VZCZCXYZ0148
OO RUEHWEB

DE RUEHUL #0422 0640339
ZNY SSSSS ZZH
O 040339Z MAR 08
FM AMEMBASSY SEOUL
TO RUEHC/SECSTATE WASHDC IMMEDIATE 8756
INFO RUEHLO/AMEMBASSY LONDON IMMEDIATE 0979
RUCPDO/DEPT OF COMMERCE WASHDC IMMEDIATE 1763
RUEATRS/DEPT OF TREASURY WASHINGTON DC IMMEDIATE
RHEHNSC/NSC WASHINGTON DC IMMEDIATE

S E C R E T SEOUL 000422

SIPDIS

NOFORN
SIPDIS

STATE FOR EEB/ESC/TFS, ISN/CPI, EEB/OTF, EAP/K
NSC FOR PAN AND CHANG
TREASURY FOR OFAC
COMMERCE FOR OEE

E.O. 12958: DECL: 03/04/2018
TAGS: [EAIR](#) [ETRD](#) [ETTC](#) [KLI](#) [PREL](#) [IR](#) [KS](#) [UK](#)
SUBJECT: SEOUL UPDATE ON 747 AIRCRAFT BOUND FOR IRAN

REF: (A) STATE 18255 (B) SEOUL 363 (C) STATE 21134

Classified By: DCM BILL STANTON FOR REASONS 1.4 (B&D).

11. (U) This is an action request. Please see Para 5.

12. (S/NF) Ministry of Foreign Affairs and Trade (MOFAT) officials in the Divisions of Disarmament and Nonproliferation, and the Middle East discussed Ref (C) responses with Embassy officers on March 3. MOFAT had received the USG replies on February 29 via the Korean Embassy in Washington.

13. (S/NF) Disarmament and Nonproliferation A/Director Kim Jae-woo stressed that the ROKG had taken extraordinary action to place a hold on the three aircraft, but this detention was authorized on limited safety and technical grounds that could not be extended indefinitely. Accordingly, he asked that the USG share as much information as possible to strengthen the ROKG's efforts to detain the aircraft. In particular, Kim asked:

--how long is the ROKG expected to hold the aircraft? Kim suggested the detention period should be "a matter of days and weeks, and not months," because the ROKG's statutory basis was limited and such a long detention risked putting in motion a precedent-setting international legal case with an uncertain outcome. Kim acknowledged the uncertainties and difficulties of determining the final destination of the aircraft, and that new enforcement modalities might be forthcoming in the form of another UNSCR. In the absence of such modalities, however, he asked again for our best-effort estimate of the length of time that the USG was likely to need to resolve this case.

--were the aircraft in question U.S.-registered? Kim noted registration was irrelevant for the enforcement of U.S. Export Administration Regulations, but emphasized that this information was nonetheless important for the ROKG to sort out their own complex issues involving international law, aviation conventions, and bilateral treaties. As noted in Ref (B), MOFAT had previously indicated the aircraft might have been registered by United Airlines. MOFAT was looking for USG confirmation.

--what was our best-effort assessment of the "law enforcement alternatives" mentioned in the penultimate talking point of Ref (A)? Kim reiterated that two aircraft (tail nos. N192UA and N106UA) were ready to fly, having undergone extensive

overhauls. As a result, the ROKG had a very limited basis for detaining these aircraft and no precedent for redirecting them to another country. He therefore repeated his request for our best-effort assessment of the "law enforcement alternatives" that the USG would consider.

¶4. (S/NF) Finally, Kim stressed that the ROKG's inter-agency group monitoring this case was committed to assisting the USG in resolving this case. In this light, the USG's answers to the questions above would be extremely helpful in enhancing the ROKG's enforcement cooperation.

¶5. (S/NF) ACTION REQUESTED: Post would appreciate responses to the three questions in para (3) above and any additional guidance to help the ROKG assess its next steps, in the event of Balli Group's non-compliance with Commerce's redelivery order.

VERSHBOW